

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2016-0087 – Cedar Willow Creek

**P.C. DATE:**

November 8, 2016

December 13, 2016

**ADDRESS:** 2431 E. Oltorf Street

**DISTRICT AREA:** 3

**OWNER/APPLICANT:** Jimmy Nassour

**AGENT:** South Llano (Glen Coleman)

**ZONING FROM:** Community commercial (GR)

**TO:** Multifamily residence  
highest density (MF-6-CO)

Conditional Overlay – Height limited to 60 feet.

**AREA:** 4.594 acres (200,114 sq ft)

**STAFF RECOMMENDATION:**

Recommends Multifamily residence moderate – high density (MF-4).

**PLANNING COMMISSION RECOMMENDATION:**

*NOVEMBER 8, 2016: POSTPONED BY STAFF TO DECEMBER 13, 2016.*

*DECEMBER 13, 2016: APPROVED MULTIFAMILY RESIDENCE HIGHEST DENSITY (MF-6-CO), VOTE 8-3 [J. SCHISSLER, J.THOMPSON 2<sup>ND</sup>, FOR – F. KAZI, S. OLIVER, P. SEEGER, J. SCHISSLER, J.THOMPSON, J. VELA, M. WILSON, J. SHIEH; AGAINST - T. WHITE, K. MCGRAW, N. ZARAGOZA].*

**DEPARTMENT COMMENTS:**

Staff supports an alternative recommendation of MF-4. We believe MF-6 would be more appropriate along a core transit corridor. E. Oltorf is a major arterial with transit service however it is not a core transit corridor. An MF-4 density would be similar to that of GR-MU which would also be appropriate at this location. The surrounding land uses are consistent with the road way. It is dominated by commercial strip centers and multifamily developments. Because of this, staff supports the level of density allowed in MF-4.

This case is located within the East Riverside/Oltorf Combined Neighborhood – Parker Lane Planning Area. This tract was not included in the Future Land Use map and as such does not require a plan amendment. It is located just west of Pleasant Valley Road and approximately .65 miles east of I-35. The

property is sloped to the east following E. Oltorf Street. It is adjacent to multifamily development to the east and the south, commercial/retail to the west and north. The site is undeveloped and will be impacted by creek setbacks along Country Club West.

**ISSUES:**

The applicant does not concur with the staff recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR	Undeveloped
<i>North</i>	GR, CS-1, CS-CO	Retail
<i>East</i>	MF-3-CO	Multifamily
<i>South</i>	CS	Single family residence
<i>West</i>	CS, CS-V	Retail

**NEIGHBORHOOD PLANNING AREA:** East Riverside/Oltorf Combined NPA

**TIA or NTA:** None required – trips limited to 2000/day.

**WATERSHED:** Country Club Creek West

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
 Austin Neighborhoods Council  
 Bike Austin  
 Burleson Heights Neighborhood Assn  
 Crossing Garden HOA  
 Del Valle Community Coalition  
 East Riverside/Oltorf Neighborhood Plan Contact Team  
 East Riverside/Oltorf Neighborhood Association

Friends of Austin Neighborhoods  
 Homeless Neighborhood Assn  
 Pleasant Valley  
 Preservation Austin  
 Real Estate Council of Austin  
 Save our Springs Alliance  
 Sierra Club Austin Regional Group  
 Southeast Austin Neighborhood Alliance

**SCHOOLS:** Travis HS, Fulmore MS, Linder Elementary

**CASE HISTORIES FOR THIS PROPERTY**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-85-202 2431-2217 E. Oltorf St.	MF-2 to GR	Recommend GR	Approved GR (4/4/87)
C14-98-0083 2400-2500 E. Oltorf St.	Withdrawn	Withdrawn	Withdrawn

**CASE HISTORIES FOR SURROUNDING PROPERTIES**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-83-131 2300--2430 E. Oltorf	B to GR	GR	Approved GR (9/29/83).
C14-85-202 2301-2363 Douglas St.	SF-3 to MF-2	MF-2	Approved MF-2 4/24/86
C14-93-0116 2503 E. Oltorf St	LR to MF-3	MF-3-CO	Approved MF-3-CO (8/15/96) (CO - Units/acre, limited IC)
C14-96-0120 2400 E. Oltorf St	GR to CS	CS-CO	Approved CS-CO (11/21/96) (CO – prohibited uses)
C14-02-0003	GR to CS-1	CS-1-CO	Approved CS-1-CO (4/4/02) (CO – prohibited uses)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. Oltorf Street	87'	62'	Major Arterial Undivided/Divided 4 Lanes	Yes	Yes	Yes
Douglas Street	50'	42'	Local	No	No	Yes

**CITY COUNCIL DATE:** Scheduled for January 26, 2017

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Andrew Moore

**PHONE:** 512-974-7604

**EMAIL:** [andrew.moore@austintexas.gov](mailto:andrew.moore@austintexas.gov)

**NPZ Comprehensive Planning Review - Kathleen Fox 512-974-7877**

This zoning case is located on the south side of E. Oltorf Street, on a vacant piece of property that is approximately 4.59 acres in size. This project is also located within boundaries of the E. Riverside/Oltorf Combined Neighborhood Planning Area, in the Parker Lane Neighborhood Planning Area. Surrounding land uses includes a retail shopping center to the north, vacant land to the south, vacant land and an apartment complex to the west, and an apartment complex to the east. The proposed use mixed use project, with 84,000 sq. ft. of mixed use, 96 apartments, with some limited commercial uses on the ground floors.

### **Connectivity**

The property is within a short walking distance to two Cap Metro transit stops along William Cannon Drive, and public sidewalks are available on both sides of the street. Several fast food restaurants, a grocery store, and retail are located less than a half a mile walk from this property going west towards IH-35. The Walkscore for this site is 48/100, meaning most errands require a car but there are public transit options located nearby.

### **East Riverside/Oltorf Combined Neighborhood Plan (EROCNP)**

The EROCNP Future Land Use Map (FLUM) has assigned a number of parcels that have multi-family apartment complexes on them or that are located mostly along E. Oltorf Road (including this site) as 'Withdrawn from Future Consideration," and have not assigned these properties a FLUM classification. The following text, goals, and design guidelines are applicable to this case:

#### **Planning Principles Develop by the Advisory Committee (p 26)**

The Advisory Committee has prepared a set of planning principles and guidelines to be used by the Committee when evaluating development proposals. During their decision - making process, these principles and guidelines will be considered first, followed by the other recommendations listed in the plan. Note: It is the goal of the Advisory Committee that the Neighborhood Planning Contact Team adopt

these principles and guidelines once the plan has been adopted. In this planning area: (p 26 – 27)

Because of these facts, the Advisory Committee believes that the following planning principles and guidelines be applied to all proposed development and redevelopment within the East Riverside/Oltorf Combined Neighborhood Planning Area.

- “First, do no harm”, i.e. no rezoning for rezoning’s sake. A zoning change affects the property owner, adjacent properties and property owners, and the City. Any change in zoning should be able to demonstrate the benefits of the change to the community
- Preserve single - family homes and the character and assets of our traditional neighborhoods. Protect them from further encroachment from non- compatible and/or higher intensity uses by always providing a buffer equal to or greater than the existing buffer.
- Address the problems of current density before creating opportunities for additional growth and increased density.
- Encourage redevelopment in the following areas as a means of managing growth and protecting those properties which still have sufficient usefulness:
  - South side of E. Riverside Drive from Parker Lane to Burton Drive

**Goal 1: Preserve and enhance the character of existing residential neighborhoods (p 28-29)**

**Obj 1.1 Minimize the negative effects between differing intensities of uses by:**

- R5 Requiring strict adherence to Compatibility Standards (NPZD).
- R6 Encouraging City Council to modify the Land Development Code to require compatibility standards between residential uses (including multifamily) and all office and commercial uses, and require vegetative buffers of 25 feet within the setback.
- R8 Increasing limits on density and height when necessary
- R 11 Studying the feasibility of requiring additional setbacks and landscaped buffers for new commercial uses adjacent to multifamily uses.

### **Multifamily (p 70)**

The combined planning area is unique in comparison to many parts of the city in that it has a dominance of multifamily development, primarily in the form of apartments. An overabundance of multifamily housing has resulted in problems related to traffic congestion, a high crime rate and inadequate infrastructure, and does not promote home ownership. Neighborhood Planning participants want to increase home ownership opportunities; more home - owning residents will enhance a sense of permanence and investment in the area. Neighborhood Planning participants desire to maintain a diverse range of housing opportunities for all stages of life and income levels as well as encourage a better housing balance.

### **Multifamily Residential Design Guidelines (pg. 131)**

**Goal 12** - Promote multifamily structures that relate well to the surrounding environment, utilize a variety of building forms, have a thoughtful parking scheme, provide public open space and include a variety of appropriate landscape options.

- Pages 131 to 138 contains design guidelines for multi-family apartment buildings to ensure visual and massing compatibility within the neighborhood in order to be an asset to the planning area. The design guidelines address building shape, building appearances, building layout, landscaping, and parking requirements for all new multi-family development in the planning area.

The East Riverside/Oltorf plan points out that their planning area contains an overabundance of multi-family housing when compared to other areas of Austin and want developers to review and utilize the multi-family design guidelines when developing new apartment complexes to ensure an attractive complex, which is compatible to adjoining single family land uses.

### **Imagine Austin**

The Imagine Austin Growth Concept Map identifies the subject property as being outside the boundaries of an Activity Center or Corridor. The following Imagine Austin policies are taken from Chapter 4 of the IACP, and specifically discuss the promotion of a variety of housing types:

- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

- **HN P5.** Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.
- **HN P10.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on IACP policies referenced above that: (1) supports a variety of housing types; and (2) providing additional neighborhood services in the area to nearby residents, this project appears to be supported by the Imagine Austin Comprehensive Plan.

**NPZ Environmental Review - Mike McDougal 512-974-6380**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Country Club West Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.
2. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

3. According to floodplain maps there is a floodplain adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

<b>DSD Transportation Review – Leo Xu – 512-974-2881</b>
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- TR1. FYI, additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR2. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]
- TR3. FYI, this project is adjacent to a street where the curb is proposed to be moved to achieve superior bicycle facilities. Staff will contact Nathan Wilkes, Bicycle Program, ATD for guidance for the proper alignment.
- TR4. FYI, Chad Crager, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

TR5. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for E. Oltorf Street.

TR6. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. Oltorf Street	87'	62'	Major Arterial Undivided/Divided 4 Lanes	Yes	Yes	Yes
Douglas Street	50'	42'	Local	No	No	Yes

**NPZ Austin Water Utility Review – Neil Kepple – 512-972-0077**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**Storm Water Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

**NPZ Site Plan Review – Katie Wettick 512-974-3529**

SP1) Site plans will be required for any new development other than single-family or duplex residential.

SP2) Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP3) The site is subject to compatibility standards. Along the ***south and east*** property lines, the following height restrictions apply:

- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive; or
- for a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

SP4) Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.



# ZONING

Case#: C14-2016-0087


  
 Subject Tract
   
 Pending Case
   
 Zoning Boundary



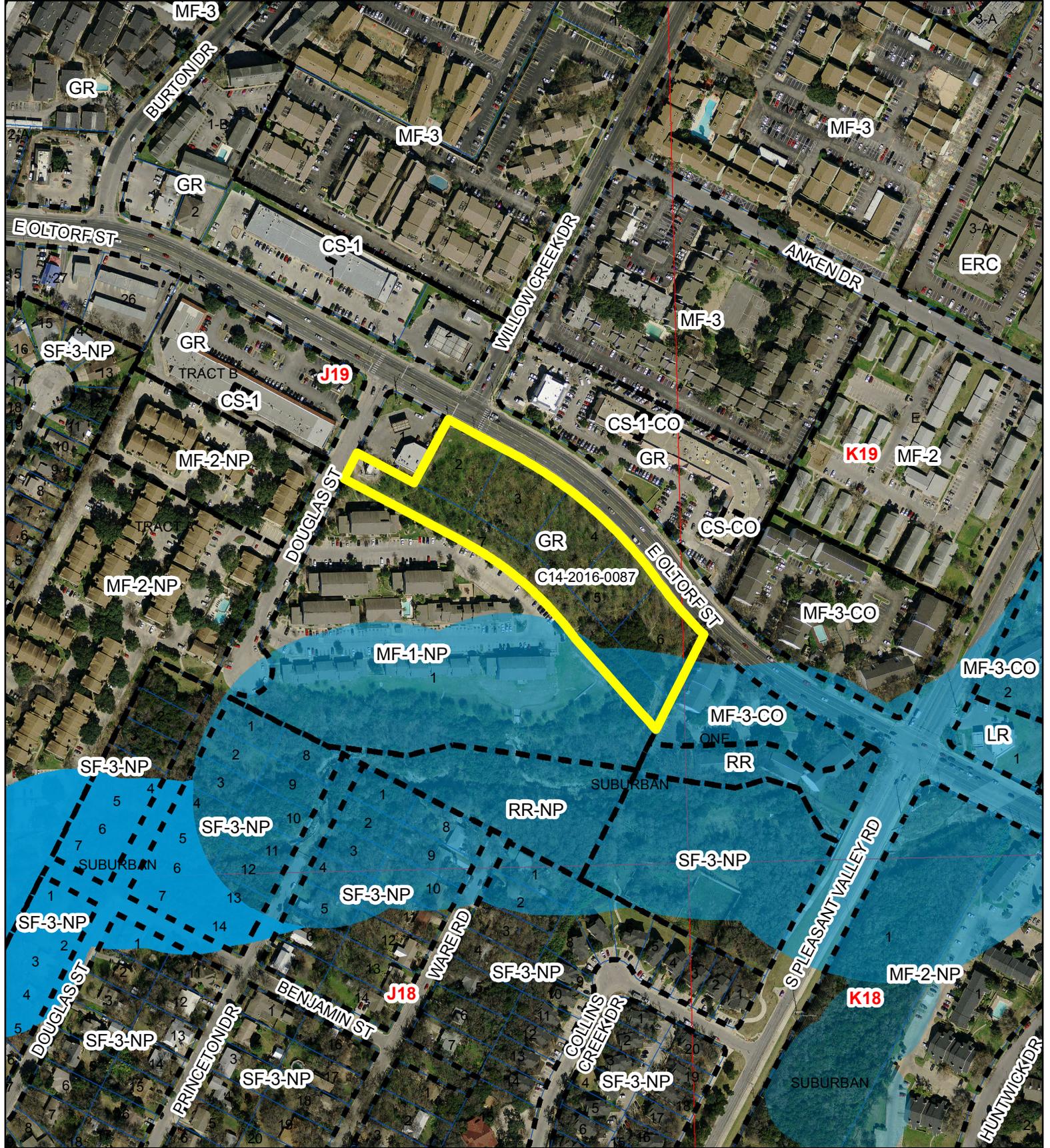
1" = 300'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 8/26/2016



**CEDAR WILLOW CREEK**

ZONING CASE#: C14-2016-0087  
 LOCATION: 2431 E. Oltorf  
 SUBJECT AREA: 4.594 ACRES  
 GRID: J19 & K19  
 MANAGER: Andrew Moore



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY
-  CREEK BUFFER

1" = 300'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: [www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2016-0087  
Contact: Andrew Moore, 512-974-7604  
Public Hearing: Nov 8, 2016, Planning Commission  
Dec 8, 2016, City Council

MARGARET GARCIA  
Your Name (please print)

2401 WARE RD.

Your address(es) affected by this application

Margaret Garcia

Signature

11/2/2016

Date

Daytime Telephone: 512-442-8607

Comments: TO much crime in our area  
3 stripe malle within 3 blocks,  
more traffic. The area in  
question has on a slope and  
more concrete is not what  
we need. Why do we have to  
give in to the developers  
that will go away once the  
area is rezone.

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Zoning Department  
Andrew Moore  
P.O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-2016-0087  
Contact: Andrew Moore, 512-974-7604  
Public Hearing: Nov 8, 2016, Planning Commission  
Dec 8, 2016, City Council

I am in favor  
 I object

*Adam Hiltan*  
Your Name (please print)  
*2502 E. O'Horf St. 78741*  
Your address(es) affected by this application  
*[Signature]*  
Signature

*11/13/16*  
Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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If you use this form to comment, it may be returned to:  
City of Austin  
Planning & Zoning Department  
Andrew Moore  
P. O. Box 1088  
Austin, TX 78767-8810